

## **CHAPTER 6**

### **INFORMATION COLLECTION (CONTROLLING PAPERWORK BURDENS ON THE PUBLIC)**

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#### **6.001 Purpose**

To establish policy and responsibilities imposed by the Paperwork Reduction Act of 1995 (PRA), minimizing the paperwork burden on the public by the Department of Transportation (DOT) and provide guidance to departmental organizations on implementing the PRA. This chapter also provides guidance on compiling the Department's annual Information Collection Burden Report submission to the Office of Management and Budget (OMB).

#### **6.002 Scope**

The policy applies to all departmental organizations' activities related to the collection of information by or for the Department. Collections may be mandatory, voluntary, or required in order to obtain a benefit from a sponsoring DOT organization.

##### **I. The PRA:**

- A. Sets the responsibilities on DOT and its organizations to reduce the information collection and record-keeping burdens that it imposes on the public.
- B. Enhances public access to, and dissemination of, department information.

##### **II. The PRA does not apply to intelligence activities, Federal criminal investigations, certain civil actions, administrative actions, and investigations involving an agency against specific individuals or entities ([see 44 U.S.C. 3518 \(c\) \(1\)](#)).**

##### **III. Information collection requirements may be imposed by the use of:**

- A. Application forms, report forms, certain Web site solicitations, questionnaires, telephone surveys, interviews, labeling, and disclosure requirements.

- B. Orders and/or regulations that may be used in data collection or in regulatory compliance.

### 6.003 References

- [44 U.S.C. Chapter 35, Coordination of Federal Information Policy \(Paperwork Reduction Act of 1995\)](#)
- [5 U.S.C. 552a, The Privacy Act of 1974](#)
- [OMB Circular A-130, Management of Federal Information Resources, dated December 12, 1985; revised November 28, 2000](#)
- [OMB, 5 CFR Part 1320, Controlling Paperwork Burdens on the Public](#)
- [OMB's Information Collection Guidance documents](#)
- [Government Paperwork Elimination Act \(GPEA\), dated October 23, 1998](#)
- [NARA Government Paperwork Elimination Act \(GPEA\) Guidance/ Records Management Guidance for Agencies Implementing Electronic Signature Technologies, dated October 18, 2000](#)

### 6.004 Definitions

- **Departmental organizations** are offices within the Office of the Secretary (OST), operating administrations, offices, divisions, and comparable elements of the DOT.
- **Information Collection** is the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either
  - Answers to identical questions posed to, or identical reporting or record-keeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or
  - Answers to questions posed to agencies, instrumentalities, or employees of the United States that are to be used for general statistical purposes.
- **Information Collection Budget (ICB)** is the vehicle through which OMB, in consultation with each agency, sets “annual agency goals to reduce information collection burdens imposed on the public.” The ICB serves as a management oversight tool and as an adjunct to the transactional case-by-case review of agency requests for approval required by the PRA. Agency officials are able to use the ICB in their internal planning and control processes to review the totality of the collections of information their staff plan to implement during the forthcoming year. OMB uses the ICB in conjunction with management review of other agency activities to assess information collection priorities and as a tool to help maintain the lowest necessary level of paperwork burden on the public, consistent with the Federal Government’s need for information.
- **Information Collection Tracking System (ICTS)** is used to track DOT information collections in the review and approval process and generate various status reports. The Departmental Chief Information Officer (CIO) maintains this system.

- **Burden** is the total time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for
  - Reviewing instructions;
  - Developing, acquiring, installing, and utilizing technology and systems;
  - Adjusting the existing ways to comply with any previously applicable instructions and requirements;
  - Searching data sources;
  - Completing and reviewing the collection of information; and
  - Transmitting, or otherwise disclosing the information.
- **Departmental Chief Information Officer (CIO)** is the senior management official responsible for DOT Information Collections.
- **Record-keeping** is the requirement imposed by or for an agency on persons to maintain specified records, including a requirement to
  - Retain such records;
  - Notify third parties, the Federal Government, or the public of the existence of such records;
  - Disclose such records to third parties, the Federal Government, or the public; or
  - Report to third parties, the Federal Government, or the public regarding such records.

#### **6.005 Policy**

- I.** It is the Department's policy to:
  - A.** Ensure information collection activities support DOT goals, and are implemented using the DOT Strategic Plan;
  - B.** Focus attention on new and largest information collections to achieve substantive paperwork burden hour reductions;
  - C.** Streamline external and internal processes to eliminate or lessen paperwork burden;
  - D.** Strive to reduce information collection burden hours each fiscal year;

- E. Limit record-keeping and reporting requirements to the minimum necessary for the protection of the public, policy development, effective management planning, and external reporting;
- F. Promote the use of information technology (in accordance with the Government Paperwork Elimination Act (GPEA) and the Paperwork Reduction Act (PRA);
- G. Reduce information collection burdens on the public;
- H. Increase program efficiency and effectiveness;

Improve the integrity, quality, and utility of information disseminated to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

- I. Ensure that the collection of information as defined in [5 CFR Part 1320.7](#) has been approved by OMB and displays a currently valid OMB control number and burden statement on the collection document; and
- J. Prepare an annual ICB report according to guidance from OMB. Use the ICB in planning and control processes to review the information collections planned for the forthcoming year.

#### **6.006 Responsibilities**

Responsibility for DOT's public reporting, information collection and record-keeping lies with the following officials. These responsibilities may be delegated as deemed appropriate:

##### **I. The Departmental CIO is responsible for:**

- A. Providing policy, advice and assistance to departmental organizations on information collection matters.
- B. Providing overall strategies for the planning and management of Departmental information collection activities.
- C. Designating a Departmental Information Collection Clearance Officer (ICCO) who shall work with the departmental organizations' ICCOs in implementing policies and procedures.
- D. Reviewing Departmental rules for PRA and GPEA language and providing comments as appropriate to the Department's Office of General Counsel.
- E. Maintaining liaison with OMB for approval of all information collections and related matters.
- F. Reviewing each proposed information collection to ensure that the collection of the desired data meets the criteria established in [44 U.S.C. 3506](#), has practical utility, is a

proper function of the departmental organizations involved, and does not impose an undue burden on the public.

- G. Maintaining an inventory of Departmental information collection activities.
- H. Ensuring that the Department's information collections do not overlap or duplicate those of other agencies.
- I. Ensuring that with each information collection submission, appropriate consideration for automation (as required by GPEA and PRA) is included in the supporting justification statement.
- J. Preparing and submitting to OMB a consolidated Departmental Information Collection Budget (ICB) Report. This consolidated report shall include all Departmental information collection activities required from the public in the 12 preceding months, according to OMB's annual guidance.
- K. Coordinating the Departmental organization's information collections (ICs), which contain statistical methods for approval by the Research and Innovative Technology Administration.
- L. Developing innovative and effective ways to involve the public in decisions regarding information collection activities.
- M. Refining policies and procedures to identify and facilitate future paperwork reductions within DOT.

**II. The General Counsel Office is responsible for:**

- A. Coordinating all significant Rulemakings with the Departmental CIO.
- B. Forwarding comments received from the Departmental CIO on Rulemakings to the originator of the rule.
- C. Ensuring Rulemakings that are generated within the General Counsel Office that have an impact on PRA are coordinated with the Departmental CIO's office.

**III. Heads of Departmental Organizations are responsible for:**

- A. Designating ICCOs for their organizations. Changes to the designee shall be forwarded to the Departmental CIO's Office as soon as possible.
- B. Ensuring that proposed information collections are submitted with supporting documentation to the Departmental CIO for clearance and OMB approval.
- C. Submitting to the Departmental CIO an annual Information Collection Budget (ICB) Report as required in [5 CFR Part 1320, Controlling Paperwork Burdens on the Public](#).

**IV. Departmental Rulemaking Offices are responsible for:**

- A. Coordinating rulemakings with their Information Collection Clearance Officers (ICCO) for PRA implications.
- B. Submitting the paperwork material to the ICCO if the rulemaking is impacted by the PRA.

**V. Departmental Organizations' Information Clearance Officers (ICCOs) are responsible for:**

- A. Maintaining an up-to-date inventory of all OMB approved information collection activities through the Departmental IC tracking system.
- B. Determining if information collections have been appropriately considered for automation.
- C. Determining which information will have an impact on the public and is subject to the PRA.
- D. Reviewing rulemakings that are associated with an information collection.
- E. Submitting requests for renewal of previously approved information collections to the Departmental CIO's office at least 70 days before their expiration date to allow sufficient time for OMB to receive the request at least 60 days before the expiration date.
- F. Submitting the information collection package that is associated with a Notice of Proposed Rulemaking (NPRM) to the Departmental CIO's office the day before or the day of publication of the NPRM in the Federal Register.
- G. Submitting the information collection package that is associated with a Final Rulemaking to the Departmental CIO the day before or the day of publication of the Final Rule in the Federal Register.
- H. Submitting a request for an emergency extension (OMB 83-E) to the CIO office 65 days or earlier before the expiration date of the information collection.
- I. Submitting OMB 83-C to change the annual reporting and recordkeeping hour burden and cost burden.
- J. Submitting OMB 83-D to cancel out information collections that are not planned to be renewed 150 days or earlier before the expiration date.
- K. Preparing and submitting detailed 60-day and 30-day Federal Register Notices requesting public comment on the proposed information collection. The notices shall include a brief description of the need for the information and its proposed use, a description of the likely respondents and proposed frequency of response, and an estimate of the burden hours that will result from the information collection approval.

- L. Reviewing comments received from the 60-day Federal Register Notice and incorporating the comments and agency's responses into the information collection package.
- M. Coordinating with other affected DOT departmental organizations as needed.
- N. Determining that the use of the information to be collected conforms to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a).
- O. Completing and submitting an OMB 83-I with supporting justification to the Departmental CIO's office for approval. Justifications must include: all supporting statements, a copy of the 60-day and 30-day Federal Register Notices and any documentation as to why the collection of information is necessary.
- P. Analyzing their organization's PRA submissions for methods of reducing the burden hours.
- Q. Reviewing rules for PRA and GPEA requirements and incorporating appropriate PRA language as it affects the rule.

**VI.** Below is a time schedule to ensure information collections are received in the Department CIO's' Office and forwarded to OMB on time.

150 days before expiration

1. OST notifies the OAs of the upcoming expiring information collections.
2. OA Clearance Officers notify their program office that an information collection is due for renewal.
3. Program office prepares Federal Register Notice (60-day).

**OR**

OA submits an OMB 83-D, if the IC is going to be canceled.

140 days before expiration

OA submits Federal Register Notice (60-day) to Federal Register for publication providing 60-day public comment period.

130 days before expiration

OA completes draft of Supporting (justification) Statement, including filling out OMB Form 83-I in the ICTS.

75 days before expiration

OA submits Federal Register Notice (30-day) to the Federal Register for publication and completes the 2 Federal Register fields under Section 3 in the ICTS.

OA completes revision of the information collection package in response to public comments received from the 60-day Federal Register Notice.

70 days before expiration

OA submits the information collection package via ICTS to OST requesting renewal of IC.

**OR**

65 days before expiration

OA submits OMB 83-E with justification, if extension is needed.

60 days before expiration

OST submits information collection package to OMB via ICTS requesting renewal of IC.